

Bachecki, Crom & Co., LLP, CPA's
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Proposed Accountants for Debtor,

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

JOHN FREDERICK DIXON,

Case No. 09-11851
Chapter 11

Debtor(s).

APPLICATION FOR ORDER AUTHORIZING EMPLOYMENT OF ACCOUNTANT

TO: THE HONORABLE ALAN JAROSLOVSKY,
UNITED STATES BANKRUPTCY JUDGE

1. John Frederick Dixon ("Applicant") is the duly appointed, qualified and acting Chapter 11 Responsible Person herein.

2. The Applicant deems it to be in the best interest of this estate to employ Bachecki, Crom & Co., LLP, Certified Public Accountants ("Accountant") as the Debtor's accountant to prepare and file tax returns; to perform tax analysis; to assist with filing of monthly operating reports and other accounting requirements; to assist with development and implementation of Chapter 11 plan; to analyze as to avoidance issues, if necessary; to serve as Debtor's general accountant and to consult with the Debtor and the Debtor's counsel as to those matters during the Chapter 11 proceeding.

3. The accountant has indicated a willingness to perform the services required by the Applicant. The Applicant desires an order authorizing the Debtor to pay the Accountant for services rendered and costs and expenses advanced or incurred in the rendering of such services

1 after a hearing duly noticed to creditors or other parties in interest, the United States Trustee and
2 subject to review for reasonableness by this Court. The normal billing rates for the Accountant
3 are as follows:

4	Partners	\$340-410/hour
5	Senior Accountant	\$260-310/hour
6	Junior Accountant	\$120-180/hour

7 4. The Applicant has investigated the qualifications of the Accountant. The Applicant is
8 informed and believes, and based thereon allege, that except as disclosed in the Accountant's
9 declaration, neither the Accountant nor its employees have any connections with the debtor,
10 creditors, or any party in interest, their respective attorneys or accountants, or the United States
11 Trustee or any other person employed by the office of the United States Trustee and that the
12 employment of the Accountant on the conditions set forth herein is in the best interest of
13 creditors. Bachecki, Crom & Co., LLP, CPA's, discloses the following information in the event
14 that it is considered a connection: Bachecki, Crom & Co., LLP, CPA's serves as the tax preparer
15 for Michael Cooper, a member of the law firm representing the Debtor in this case.

16 5. Bachecki, Crom & Co., LLP, CPA's has requested and received a \$10,000.00 retainer
17 paid from the Debtor's post petition earnings.

18 6. To the Applicant's best information and belief, the Accountant does not hold an interest
19 adverse to the estate, and they are disinterested persons as required by 11 USC Section 327(a).

20 7. The Applicant is informed and believes, and based thereupon alleges, that this is proper
21 case for the entry of an order without notice to creditors in that the matters to be ruled upon are
22 purely administrative in nature and any fees paid or to be paid will be subject to Court review
23 after notice and hearing.

24 WHEREFORE, the Applicant prays that this court make and enter its order:

25 1. Authorizing the Applicant to employ Bachecki, Crom & Co., LLP, Certified Public
26 Accountants, as the accountant in this case during the Chapter 11 proceeding and during any
27 subsequent Chapter 7 proceeding;

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2 2. Authorizing the Applicant to pay the Accountant services rendered and for the costs
3 and expenses advanced or incurred in the rendering of such services after a hearing duly noticed
4 to the Office of the United States Trustee, creditors and other parties in interest and subject to
review for reasonableness by this court, and;

5 3. For such other relief as may be proper.

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7 DATED: July 14, 2009
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/s/ John Frederick Dixon
John Frederick Dixon, Debtor

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2 **DECLARATION IN SUPPORT OF APPLICATION FOR ORDER**
3 **AUTHORIZING EMPLOYMENT OF ACCOUNTANT**

4 I, Jay D. Crom, hereby declare:

- 5 1. I am a certified public accountant in the State of California, and am a partner in the
6 firm of Bachecki, Crom & Co., LLP, Certified Public Accountants.
- 7 2. I have held a license as certified public accountant for over twenty-seven (27) years. I
8 also hold a certificate from the Association of Insolvency and Reorganization Advisors as a
9 certified insolvency and reorganization advisor. I also hold a certificate as a Certified Fraud
Examiner.
- 10 3. The accounting firm has extensive experience in providing financial investigation, tax
11 preparation, bankruptcy accounting and financial advisory services.
- 12 4. To the best of my knowledge, information and belief, Bachecki, Crom & Co., LLP,
13 has no connection, except as set forth herein, with any of the parties or interested persons in the
14 within bankruptcy case: Bachecki, Crom & Co., LLP, discloses the following information in the
15 event that it is considered a connection: Bachecki, Crom & Co., LLP, CPA's, serves as the tax
16 preparer for Michael Cooper, a member of Wendel, Rosen, Black, & Dean, the law firm
17 representing the Debtor in this case.
- 18 5. Bachecki, Crom & Co., LLP, CPA's has requested and received a \$10,000.00
19 retainer from the Debtor's post petition earnings.
- 20 6. Except for the above disclosure and for employment by the Debtor in
21 unrelated cases, neither the accounting firm, its members, nor its employees have connections
22 with the debtor, creditors, or any other party in interest, their respective attorneys and
23 accountants, or the United States Trustee any other person employed by the office of the United
24 States Trustee
- 25 7. That the accounting firm is not presently employed by any creditor of the estate; does
26 not hold any interest adverse to the estate; and, the accounting firm, its officers and employees,
27 are disinterested persons as defined by 11 USC sect 101(14), all as required by 11 USC section
28 327 (a).

1 Executed in San Francisco, California on July 7, 2009.
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3 /s/ Jay D. Crom
4 JAY D. CROM

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2 ORDER AUTHORIZING EMPLOYMENT OF ACCOUNTANT
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4 John Frederick Dixon ("Applicant"), the debtor herein, having filed the Debtor's
5 Application for Order Authorizing Employment of Accountant and it appearing to the Court that
6 entry of such order is in the best interest of Applicant and this estate, and that the proposed
7 accountant, Bachecki, Crom & Co., LLP, Certified Public Accountants, is disinterested and
8 neither holds nor represents an interest adverse to Applicant, the Chapter 11 debtor or this estate
9 with respect to the specific matters for which employment is sought, and for good cause
10 appearing therefore, IT IS HEREBY ORDERED that Applicant is authorized to employ
11 Bachecki, Crom & Co., LLP, Certified Public Accountants ("Accountant") as the Debtor's
12 accountant to prepare and file tax returns; to perform tax analysis; to assist with filing of monthly
13 operating reports and other accounting requirements; to assist with development and
14 implementation of Chapter 11 plan; to analyze as to avoidance issues, if necessary; to serve as
15 Debtor's general accountant and to consult with the Debtor and the Debtor's counsel as to those
16 matters for this estate at a fee subject to court approval.
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18 IT IS FURTHER ORDERED that Bachecki, Crom & Co., LLP, CPA's be empowered to act,
19 through its officers and employees, for and on behalf of the Debtor and or the estate, to represent
20 them before any taxing authority including the Internal Revenue Service and the California
21 Franchise Tax Board, to receive confidential information, to make written or oral presentations of
22 fact or argument, and to perform any and all acts on behalf of the trustee and the estate which the
23 trustee is by law permitted, regarding any tax matter which may arise during the administration of
24 the estate.
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26 Dated: July 24, 2009
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31 Alan Jaroslovsky
32 U.S. Bankruptcy Judge
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